

1 KAREN P. HEWITT  
United States Attorney  
2 MEGAN CALLAN  
Assistant U.S. Attorney  
3 California Bar No. 230329  
U.S. Attorney's Office  
4 880 Front Street, Room 6293  
San Diego, CA 92101-8893  
5 Telephone: (619) 557-7120  
Facsimile: (619) 557-5004  
6 E-mail: Megan.Callan@usdoj.gov

7 Counsel for Defendants

8  
9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 GUILLERMO ALEJANDRO  
12 RODRIGUEZ,  
13 Plaintiff,  
14 v.  
15 MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security; et al.,  
16 Defendants.  
17

Case No. 08cv0255-LAB (AJB)

JOINT MOTION TO REMAND TO U.S.  
CITIZENSHIP & IMMIGRATION SERVICES  
FOR ADJUDICATION

18 COME NOW THE PARTIES, Plaintiff Guillermo Alejandro Rodriguez, by and through his  
19 counsel Robert A. Mautino, and Defendants Michael Chertoff, Secretary of the Department of Homeland  
20 Security, et al., by and through their counsel, Karen P. Hewitt, United States Attorney, and Megan  
21 Callan, Assistant United States Attorney, and hereby jointly move the Court to remand this cause of  
22 action to the United States Citizenship and Immigration Service ("USCIS").

23 The parties are working toward an extrajudicial resolution of Plaintiff's complaint. The Federal  
24 Bureau of Investigation ("FBI") has informed Plaintiff that it has completed its background checks  
25 related to Plaintiff's application for naturalization; as such Plaintiff's claims against the FBI are moot.  
26 Defendants have represented to Plaintiff that his application should be adjudicated by USCIS within 60  
27 days of the remand order.

28 //

1 Accordingly, the parties now jointly request that the cause of action be remanded to USCIS in  
2 order that the agency may adjudicate Plaintiff's application in the first instance. In the event that  
3 Plaintiff's application is not adjudicated by the agency within 60 days of the date of this Court's remand  
4 order, Defendants do not object to Plaintiff being granted 60 days leave to amend the complaint.

5  
6 Dated: April 8, 2008 s/ Robert A. Mautino  
7 Counsel for Plaintiff  
E-Mail: bob@mautino.org

8 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures  
9 of the United States District Court for the Southern District of California, I certify that the content of this  
10 document is acceptable to counsel for the Plaintiff and that I have obtained authorization from Robert  
11 A. Mautino to affix his electronic signature to this document.

12  
13 Dated: April 8, 2008 Respectfully Submitted,  
14 KAREN P. HEWITT  
15 United States Attorney  
16 s/Megan Callan  
17 MEGAN CALLAN  
18 Assistant U.S. Attorney  
Counsel for Defendants  
Email: Megan.Callan@usdoj.gov  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 KAREN P. HEWITT  
United States Attorney  
2 MEGAN CALLAN  
Assistant U.S. Attorney  
3 California Bar No. 230329  
U.S. Attorney's Office  
4 880 Front Street, Room 6293  
San Diego, CA 92101-8893  
5 Telephone: (619) 557-7120  
Facsimile: (619) 557-5004  
6 E-mail: Megan.Callan@usdoj.gov

7 Attorneys for Defendants

8  
9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11

12 G U I L L E R M O A L E J A N D R O )  
RODRIGUEZ, )  
13 )  
Plaintiff, )  
14 )  
v. )  
15 )  
MICHAEL CHERTOFF, Secretary, )  
16 Department of Homeland Security; et al., )  
17 Defendants. )

Case No. 07cv1710-JM (AJB)

CERTIFICATE OF SERVICE

18 IT IS HEREBY CERTIFIED THAT:  
19

20 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

21 I am not a party to the above-entitled action. I have caused service of: JOINT MOTION TO  
22 REMAND TO USCIS FOR ADJUDICATION on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically provides notice.

23 Robert A. Mautino  
Counsel for Plaintiff  
24 bob@mautino.org

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on April 8, 2008.

27 s/ Megan Callan  
Megan Callan  
28